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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 ALLAH, ) CASE NO. C05-1480-MJP-MAT  
09 )  
10 Petitioner, )  
11 )  
12 v. ) ORDER STRIKING PETITIONER'S  
13 ) NOTICE OF DEFAULT AND  
14 KAREN BRUNSON, ) DEFAULT JUDGMENT  
15 )  
16 Respondent. )  
17 )  
18 )  
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14 This a federal habeas action which is proceeding under 28 U.S.C. § 2254. Petitioner  
15 recently submitted to the Court a notice of default and a default judgment. Petitioner asserts in  
16 these documents that he is entitled to entry of default against respondent because respondent has  
17 yet to file an answer to petitioner's federal habeas petition. On October 10, 2008, this Court  
18 issued an Order granting respondent an extension of time until November 6, 2008, to file an  
19 answer to the petition. (*See* Dkt. No. 44.) As respondent's answer is not yet due, petitioner's  
20 assertion that respondent is in default is simply incorrect. Accordingly, petitioner's notice of  
21 default (Dkt. No. 41) and petitioner's default judgment (Dkt. No. 46) are STRICKEN from the  
22 record.

ORDER STRIKING PETITIONER'S NOTICE  
OF DEFAULT AND DEFAULT JUDGMENT  
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01 The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent,  
02 and to the Honorable Marsha J. Pechman.

03 DATED this 24th day of October, 2008.

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05 Mary Alice Theiler  
06 United States Magistrate Judge